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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,476	02/14/2000	Hiroshi Tojo	862.C1824	6656

5514 7590 03/18/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/503,476

Applicant(s)

TOJO, HIROSHI

Examiner

Tung T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5-9,11,14-18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2, 5-9, 11, 14-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination (RCE)

1. The request filed on 01-21-03 for a Request for Continued Examination (RCE) under 37C. F. R. 1.114 based on parent Application No. 09/503,476 is acceptable and an RCE has been established. An office action on the RCE follows.

The cancellation of claims 1, 10, and 19 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 5-9, 11, 14-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al. (US 2002/0012521 A1) in view of Inoue (US 2002/0106187 A1).

Re claims 6, 7, 15, 20 and 21, Nagasaka teaches an image processing apparatus and its method comprising: frame extraction means (106 of fig. 2) for extracting frames constituting an entered moving picture/image from a input unit for queried image(100, 102 of fig. 2);

discrimination means [0036] (fig. 3) for discriminating a scene change by comparing the frames extracted, A' or A'' by said frame extraction means[0034] of page 3 (fig. 6);

storage means (126 of fig. 2) for storing scene-change information relating to the scene-change discriminated by discriminated means [0034];

designating means (110, 112, 114 of fig. 2) for designating an image that corresponds to a scene that is the object of a search (in the figure 3 of Nagasaka, SEGMENT NUMBER, FEATURE and FRAME NUMBER are designated by the designation means (112 of fig. 2), see also [0034] of page 3);

comparison means (130 of fig. 2) for comparing a scene-change frame, which is obtained by referring to the scene-change information that has been stored in said storage images and the image that has been designated by designation means; scene extraction means (figs. 4 and 5);

scene extraction means (122 of fig. 2) for extracting a scene that corresponds to the image based upon the result of the comparison by said comparison, see also the figure 3 of Nakasaga.

It is noted that Nagasaka et al. does not particularly teach the designation means is capable of designating a number of scenes to be extracted as claimed. However, Inoue teaches designation means is capable of designating a number of scenes to be extracted (IP-related information of fig. 6 of Inoue comprises the scene numbers that are designated by the user (33 and 35 of fig. 2)).

Therefore, taking the combined teaching of Nagasaka and Inoue as a whole, it would have been obvious to one of ordinary skill in the art to implement the designation means is capable of designating a number of scenes to be extracted (33 of fig. 2) of Inoue into the apparatus of Inoue for the same purpose of designating the number of scenes as suggested by

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Inoue (fig. 6). Doing so would allow the editing system or apparatus to efficiently improve the recording medium.

Since the combination of Nagasaka and Inoue teaches all limitations above, the limitations would obviously be programmed with a code on a computer-readable memory using a computer system as taught by Nagasaka in the figure 1.

Re claim 2, Nagasaka further discloses a computation in the comparison (fig. 6) for computing degree of similarity between the scene-change frame and the image that has been designated by said designation means (fig. 10A); based upon the calculation the scene extraction means extracts the scene corresponding to said image then outputting scene information relating to scenes that have been extracted (fig. 3); where an editing means (fig. 16) for editing the extracted frame [0053] to [0055].

Re claims 5, 8, and 9, Nagasaka further teaches the designation means designates: a pattern image, SEGMENT NUMBER (fig. 3) that corresponds to any of leading, intermediate or final frame of a scene that is the object of a search (fig. 17); the time of a scene to be extracted (t_1 - t_n) (804 of fig. 17); a number of scenes (NUMBER OF FRAME, NUMBER OF CANDIDATES); time of a scene to be extracted (fig. 11) of frames prior, frames on, and after frame.

Re claims 11, 14, and 16-18, the method claims are unpatentable over the combination of Nagasaka and Inoue for the same reasons above, see analysis in claims 2, 5-9, and 15.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the previous Office Action paper No. 7.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUNG T. VO
PATENT EXAMINER

T. Vo
March 11, 2003

Tung T. Vo
Examiner
Art Unit 2613